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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,357

07/31/2003

David W. Rockett

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06/02/2006

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EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3663

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/631,357

Applicant(s)

ROCKETT ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Remark*

1. Upon review of the amendment submitted 4/20/06, it is deemed that a non-final office action is necessary in view of newly found prior art. Any inconvenience to the applicant is regretted.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 17-20, the applicant recites, “a mobile telematics system”, “a telematics unit of a vehicle”, and “a telematics unit access system”. Later in the body of the claim, the applicant recites, “the telematics unit of the telematics-unit access system”. The claimed “the telematics unit of the telematics-unit access system” lacks antecedent basis..

In claim 17, the applicant recites “receiving a customer data record comprises”. However, the steps that follow the term, “comprises” do not suggest or teach “receiving a customer data record” as claimed. The steps instead recite, “determining whether a vehicle is powered up, etc”. Applicant is silent about who does the determining. The applicant is also not specific about whether the data is first determined and then later sent to or received at the claimed “communication database”. The claim limitations are therefore incomplete.

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In claim 17, the applicant further recites, “determining whether a vehicle associated with the customer data record is powered up”. It is not clear what all is meant and encompassed by the phrase, “powered up” as disclosed in the claims. That is it is not clear if the claimed “powered up” refers to a vehicle when its ignition switch is turned to a position such that electric power flows and turns on the instruments or if the phrase refers to a vehicle whose engine is running after being turned on.

In claim 17, the applicant further recites “determining whether a customer associated with the customer data record is in the vehicle with the dealer”. It is not clear what protection applicant is seeking with this limitation. The limitation is incomplete and is deemed optional as it does not limit the scope of the protection applicant is seeking.

In claim 18, the applicant recites, “activating the telematics unit of the telematics-unit access system.....comprises:” The steps that follow the term, “comprises” do not teach activation. The steps instead teach “determining” and “providing”.

In claim 19, it is not clear what all is meant and encompassed by the phrase, “performing a preliminary activation of”. Although the phrase is mentioned in the specification, there is no express explanation of “performing a preliminary activation” in regard to the metes and bounds of the scope of the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US 2002/0174360) in view of Smith et al (6879962).

Regarding claim 17, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses a method for automated enrollment and activation of a mobile telematics system (1, 200; fig. 1) comprising:

receiving a customer data record of a customer (when user accesses website, user's IP address, etc is received at database 810; section 0315) at a communication services database 810;

determining a command signal based on the customer data record (i.e. the command signal is the signal requiring the user to enter ID information, name, etc, after user accesses website; section 0283-0286);

sending the command signal to a telematics unit (1, 200; fig. 1; i.e. when user accesses website, the command signal is the signal sent to the user's computer for user to enter ID, name, etc; section 0283-0286) of a vehicle;

enrolling the customer in a telematics-unit access system 800 based on the command signal; and

activating the telematics unit (1, 200; fig. 1) of the telematics-unit access system based on the command signal (sections 0281-0286, 0294, 0297, 0298; i.e. user is activated based on the command signal sent previously to user to enter ID, name, etc),

wherein the step of receiving a customer data record comprises:

determining whether a vehicle associated with the customer data record is powered up (sec. 0158-0160);

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determining whether a customer associated with the customer data record is in the vehicle with a dealer (sec 0159, i.e. it is determined that the customer is not in the car, therefore the customer is not in the car with the dealer).

Ikeda did not particularly disclose that the vehicle is sold. However, Mosgrove et al (col. 8, lines 29-34) teach of determining whether a car associated with a customer is sold. Therefore, it would have been obvious to one of ordinary skill in the art of vehicles at the time the invention was made to modify Ikeda as taught by Mosgrove for the purpose of effectively running an administrative function at a car dealer.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US 2002/0174360) in view of Matveyenko et al (7000184).

Regarding claim 18, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses a method for automated enrollment and activation of a mobile telematics system (1, 200; fig. 1) comprising:

receiving a customer data record of a customer (when user accesses website, user's IP address, etc is received at database 810; section 0315) at a communication services database 810;

determining a command signal based on the customer data record (i.e. the command signal is the signal requiring the user to enter ID information, name, etc, after user accesses website; section 0283-0286);

sending the command signal to a telematics unit (1, 200; fig. 1; i.e. when user accesses website, the command signal is the signal sent to the user's computer for user to enter ID, name, etc; section 0283-0286) of a vehicle;

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enrolling the customer in a telematics-unit access system 800 based on the command signal; and

activating the telematics unit (1, 200; fig. 1) of the telematics-unit access system based on the command signal (sections 0281-0286, 0294, 0297, 0298; i.e. user is activated based on the command signal sent previously to user to enter ID, name, etc),

wherein the step of activating the telematics unit of the telematics-unit access system based on the command signal comprises:

determining whether a subscriber associated with the customer data record has used the telematics-unit access system within a predetermined time period (sec. 0160, 0161).

Ikeda did not particularly disclose “an outbound welcome call”. However, Matveyenko (col. 8, lines 44-48; col. 17, lines 24-40) et al teach of providing an outbound welcome call based on determining that a subscriber associated with the customer data record has used a telematics-unit access system (col. 5, lines 11-20) within a predetermined time period. Therefore, it would have been obvious to one of ordinary skill in the art of cars to modify Ikeda as taught by Matveyenko for the purpose of obtaining information about a car dealer products.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US 2002/0174360) in view of Holmes (20020197964).

Regarding claim 19, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses a method for automated enrollment and activation of a mobile telematics system (1, 200; fig. 1) comprising:

receiving a customer data record of a customer (when user accesses website, user's IP address, etc is received at database 810; section 0315) at a communication services database 810;

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determining a command signal based on the customer data record (i.e. the command signal is the signal requiring the user to enter ID information, name, etc, after user accesses website; section 0283-0286);

sending the command signal to a telematics unit (1, 200; fig. 1; i.e. when user accesses website, the command signal is the signal sent to the user's computer for user to enter ID, name, etc; section 0283-0286) of a vehicle;

enrolling the customer in a telematics-unit access system 800 based on the command signal; and

activating the telematics unit (1, 200; fig. 1) of the telematics-unit access system based on the command signal (sections 0281-0286, 0294, 0297, 0298; i.e. user is activated based on the command signal sent previously to user to enter ID, name, etc),

wherein the step of activating the telematics unit of the telematics-unit access system based on the command signal comprises:

transmitting instructions based on the command signal from the telematics-unit access system to the telematics unit (section 0162-0164).

Ikeda did not disclose performing a preliminary activation. However, Holmes (abstract, section 0021-0022; 0017-0019) teaches of performing a preliminary activation of a telematics unit prior to shipping the telematics unit to a dealer (retailer of the telematics unit). Therefore, it would have been obvious to one of ordinary skill in the art of telematics units to modify Ikeda for the purpose of allowing a customer (i.e. purchaser of a telematics unit) to change a preliminary password programmed by a manufacturer.



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8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda (US 2002/0174360) in view of Hayashida (20040198255).

Regarding claim 20, Ikeda (fig. 13; sections 0281-0286, 0294, 0297, 0298) discloses a method for automated enrollment and activation of a mobile telematics system (1, 200; fig. 1) comprising:

receiving a customer data record of a customer (when user accesses website, user's IP address, etc is received at database 810; section 0315) at a communication services database 810;

determining a command signal based on the customer data record (i.e. the command signal is the signal requiring the user to enter ID information, name, etc, after user accesses website; section 0283-0286);

sending the command signal to a telematics unit (1, 200; fig. 1; i.e. when user accesses website, the command signal is the signal sent to the user's computer for user to enter ID, name, etc; section 0283-0286) of a vehicle;

enrolling the customer in a telematics-unit access system 800 based on the command signal; and

activating the telematics unit (1, 200; fig. 1) of the telematics-unit access system based on the command signal (sections 0281-0286, 0294, 0297, 0298; i.e. user is activated based on the command signal sent previously to user to enter ID, name, etc).

Ikeda did not disclose associating a vehicle identification number with an electronic serial number of a cell phone. However, Hayashida (sec. 0046, 0047) teaches of a associating a vehicle identification number with an electronic serial number of a cell phone in a telematics unit 2; and transmitting the association (section 0052, 0054, 0062, etc) to a vehicle database 3.

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Therefore, it would have been obvious to one of ordinary skill in the art of telematics at the time the invention was made to modify Ikeda as taught by Hayashida for the purpose of recognizing an operating state of properly notifying an operating state of the telematics device 2 in case of a theft of a vehicle containing the telematics device.

### *Communication*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
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5/24/06

Rene Mado